



Prince Edward Island Human Rights Commission



Rights
Responsibilities
Relationships
Resources



Annual Report 2012-2013

Meet our Staff and Commissioners



Photo by Brian Simpson, Provincial Photographer (August 2013)

From Left to Right Standing:

Maurice Rio, Commissioner
Anne Nicholson, Chair
Robert Acorn, Commissioner
John Rogers, Commissioner
George Lyle, Commissioner
Thomas Hilton, Project Coordinator

From Left to Right Seated:

Wendy M. Baker, Human Rights Officer
Brenda Picard, Executive Director
Lorraine Buell, Administrative/Intake Officer

Missing from Photo:

Alcide Bernard, Commissioner
Lou Ann Thomson, Retired Commissioner
Gregory Howard, Former Executive Director

Cover Photos by Wendy M. Baker

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Prince Edward Island
Human Rights Commission

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Commission des Droits
de la Personne
de l'Île-du-Prince-Édouard

53, rue Water, C.P. 2000
Charlottetown, Île-du-Prince-Édouard
C1A 7N8 Canada

Anne Nicholson
Commission Chair

October 31, 2013

The Honourable Janice Sherry, Attorney General
Province of Prince Edward Island
PO Box 2000
Charlottetown PE C1A 7N8

Dear Minister:

RE: Prince Edward Island Human Rights Commission Annual Report Fiscal 2012-2013

On behalf of the staff and Commissioners of the Prince Edward Island Human Rights Commission, I am pleased to provide to you the Commission's Annual Report for the fiscal year 2012-2013.

We submit this report to you for presentation to the Legislative Assembly in accordance with section 22.1 of the Prince Edward Island *Human Rights Act*, R.S.P.E.I. 1988, Cap. H-12.

Should you or your staff have any questions or require any further information, please do not hesitate to contact me.

Sincerely,

Anne Nicholson
Chair

Message from the Chair

Commission Chair – Anne Nicholson



Anne Nicholson of St. Andrews Point, Lower Montague, was born in Montreal, Québec, and moved to PEI in 1975.

Commissioner Nicholson was appointed to the Commission on May 19, 2004, and reappointed on April 3, 2007. She assumed the role of Acting Chairperson in May 2009, and was appointed Chairperson in April 2010. In 2013 she was reappointed Chairperson.

As a consultant, she has worked with community groups and governments on issues including equality, health, culture, relationship violence prevention, elder abuse prevention and social justice.

A graduate of UPEI, Anne chaired the PEI Advisory Council on the Status of Women, was Director of the PEI Rape/Sexual Assault Centre, Project Officer with Community Legal Information Association and served on the Premier's Action Committee for Family Violence Prevention, the Community Foundation of PEI and Family Violence Prevention Services Inc.

She is married to David Bergmark and they have three grown children, Dylan, Lukas and Chloe.

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Chair Message

Human Rights hearings are, by definition, adversarial. It is never a pleasant experience, even if the Complainant receives compensation. The process itself is damaging to relationships. The goal of human rights legislation is to restore the Complainant to the position he or she would have been in, but for the alleged discrimination.

Many jurisdictions in Canada are putting more emphasis into directing complainants and respondents to some form of mediation. The Nova Scotia Human Rights Commission requires all complainants and respondents to participate in a preliminary conference to attempt settlement at an early stage, before investigation. They have found this to be an effective way of resolving some conflicts when poor communication and misunderstanding has led to relationship breakdown.

There will always be cases where power imbalance and intimidation make it impossible to reach mutual understanding through mediation, and many cases can become blown out of proportion when those involved are entrenched in their positions and refuse to consider other ways to resolve conflict. We have had several cases over the years that involved considerable cost to the parties when what the complainant really wanted was to be heard, understood and respected.

The PEI Human Rights Commission offers mediation with our trained mediator. Several parties have participated in successful mediation. We want to encourage people to choose this option. In 2013, we commissioned Bethany Knox, a graduate student in Master of Arts and Dispute Resolution at the University of Victoria, to research how the Commission could improve our mediation program to make it a more appealing option. We look forward to implementing some changes as recommended by Ms. Knox.

This Spring we were pleased to find bipartisan support for our request to include gender expression and gender identity as prohibited grounds for discrimination in our *Act*. Chair of the Standing Committee on Health, Social Development and Seniors, Bush Dumville, spoke in support of our proposal in the Legislature on April 24, 2013. He promised action on the issue in the fall sitting of the Legislature. Olive Crane also spoke to this in the Legislature and offered the support of the Opposition party. It is rewarding to find such unconditional support. This demonstrates that PEI Legislators have come a long way since 1998 when there were angry and regressive exchanges in the Legislature in response to our request to include sexual orientation as a prohibited ground of discrimination in our *Human Rights Act*. This time, hopefully, PEI will not be among the last jurisdictions in Canada to provide protection for gender expression and gender identity in our *Act*.

I would like to thank the Commissioners who have served with me during the 2012-2013 year; Lou Ann Thomson, John Rogers, George Lyle, Alcide Bernard, Maurice Rio and Bob Acorn. Lou Ann Thomson decided to leave the Commission upon the completion of the cases for which she served as panel. She has been a huge asset to the Commission and her contribution will be greatly missed. I wish her all the best in the future.

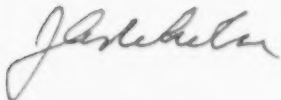
The staff of the Commission for 2012/2013 included Gregory Howard, Executive Director; Wendy Baker, Human Rights Officer; Lorraine Buell, Administrative/Intake Officer and Mediator; and Tom Hilton, Project Coordinator for the Public Education Outreach project funded by the Law Foundation of PEI.

This year we have had several interns working with us who made valuable contributions to the Commission. They include Claire Patoreau, Carrie Rudolph, Emily Simon, Bethany Knox and David MacDonald.

We have an amazing team offering human rights protection and education on PEI and it is an honour to work with them.

It is with mixed feelings that I announce that Greg Howard, our long-time Executive Director has accepted a post in Bermuda. I will miss his calm, sage counsel and his strong leadership but I am glad to support his decision to move on to something he really wants to do. I join our Commissioners and staff in thanking Greg for his hard work and dedication to Human Rights and wish Greg and Susan all the best in their next adventure.

I am very pleased to welcome Brenda Picard, Q.C. as our new Executive Director. Brenda brings with her a wealth of experience from her years at Legal Aid, in private practice and many volunteer activities. She has already established an excellent working relationship with Commissioners and Staff and we look forward to many years under her direction.

A handwritten signature in cursive script, appearing to read 'Anne Nicholson', written in dark ink.

Anne Nicholson,
Commission Chair

Powers and Duties of the Commission

Since the enactment of the **Human Rights Act** on September 11, 1976, the Prince Edward Island Human Rights Commission has been empowered to:

- administer and enforce the **Act**
- develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights.
- advise government on suggestions, recommendations and requests made by private organizations and individuals.
- report as required by the Minister on the business and activities of the Commission.
- consider, investigate or administer any matter or activity referred to the Commission by the Minister or the Lieutenant Governor in Council.

The **Human Rights Act** is deemed to prevail over all other laws of the Province. A person may, within one year of an alleged incident, file a complaint with the Commission. The complaint must fall within one or more of the areas covered by the Prince Edward Island

Human Rights Act:

- Accommodations, Services and Facilities
- Lease or Sale of Property
- Employment/Equal Pay
- Membership in Employee or Professional Organizations
- Advertisements and Publications
- Volunteer Work

The complaint must be based on one or more of the grounds covered by the Prince Edward Island **Human Rights Act**. The grounds of discrimination are:

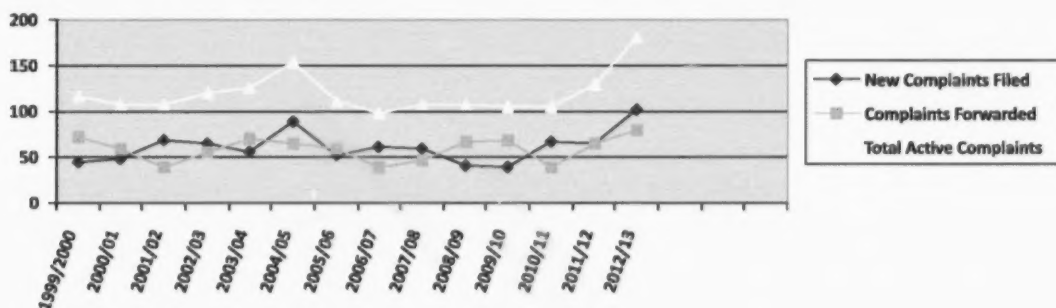
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|--|---|
| • Age | • Family Status |
| • Colour, Race and Ethnic or National Origin | • Marital Status |
| • Criminal Conviction (in employment only) | • Political Belief |
| • Creed or Religion | • Sex (including pregnancy and sexual harassment) |
| • Disability | • Sexual Orientation |
| | • Source of Income |
- Association with an individual or group of individuals protected by the **Act** is also protected. Discrimination is prohibited against any individuals who have filed complaints, or have given evidence/assistance during an investigation or at a panel hearing.

Education

The Role of Public Hearings

During the 2012-2013 fiscal year, the Commission received one hundred and one (101) formal complaints.

The Commission notes a correlation between the activity of Human Rights Panels at widely publicized hearings, and the number of new complaints. The attention given to such hearings appears to generate more awareness and a greater willingness to seek redress for human rights violations. The correlation suggests a valuable role for specialized human rights adjudication, both in offering individual redress and publicizing and educating on human rights issues. The following chart shows the number of complaints brought forward from previous years, new complaints filed in the fiscal year and the total number of active complaints during the fiscal year.



Training Sessions

The Commission provides free training to individuals, businesses and schools. During 2012-2013, the Commission provided training to thirty (30) organizations. Although these training sessions are generally requested by members of the public, some sessions are a component of a settlement agreement or a part of a Panel order. These education sessions inform members of the public of their rights and duties, and include a presentation on the Commission, the ***Human Rights Act*** and the legislation regarding human rights in general. The Commission invites any organization interested in receiving our education service to contact us.

Partnerships

The Commission believes that partnerships are a prerequisite to developing effective programs of public information and education in the field of human rights.

In June 2012 the Commission received funding from the Law Foundation of Prince Edward Island (LFPEI) to develop collaborative relationships with the Department of Education & Early Childhood Development (DEECD) and PEI Teacher's Federation (PEITF), and to facilitate delivery of human rights-related instruction in PEI classrooms.

The three primary project activities are:

1. **Identify** Specific Curriculum Objectives (SCOs) from across all provincially authorized English programs curricula (K-9) which connect to the fundamental principles of the PEI **Human Rights Act** and the work of the PEI Human Rights Commission;
2. **Specify** the connection between a SCO and the **Act** (consider these two examples).

Grade: 8	Subject (Strand):	Health (Wellness Choices)
SCO #	SCO Description	Connection to Human Rights
w-8.14	Demonstrate an understanding of sexual orientation	connects to grounds of discrimination including: sex and sexual orientation

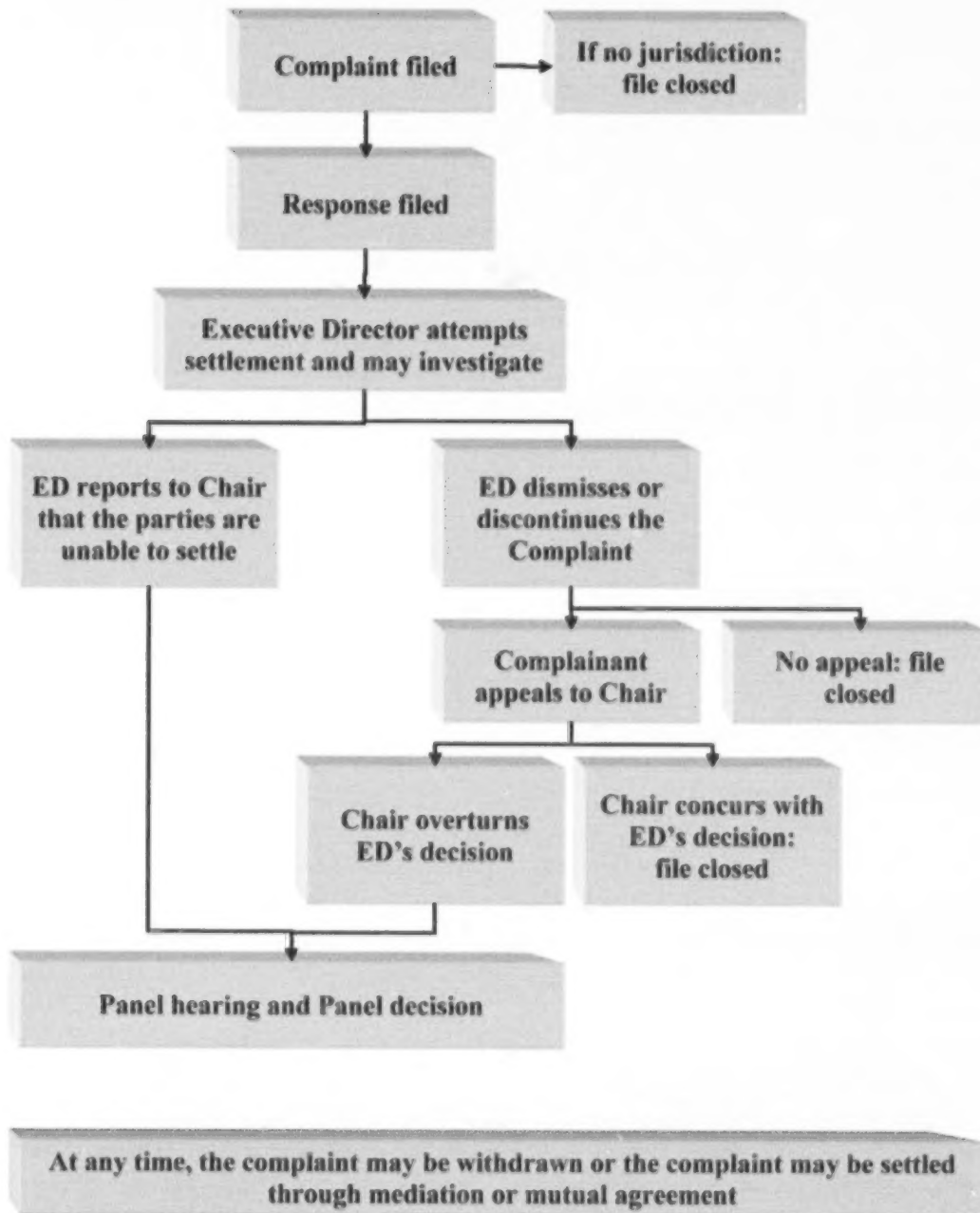
Grade: 4	Subject (Strand):	Language Arts (Reading & Viewing)
SCO #	SCO Description	Connection to Human Rights
4.2	read widely and experience a variety of young adult fiction and literature from different provinces and countries	embodies spirit of Act & Charter by promoting exposure to diversity/ difference; connects to grounds of: national/ethnic origin, race, colour, religion, sex

3. **Communicate** to teachers via the website and PEITF Convention those SCOs which were identified and specified as connecting to the **Act**.

In January 2013 the Commission received additional LFPEI funding to propose a pilot project on the curriculum package developed by 'Youth for Human Rights International'. Upon submitting the proposed curriculum to extensive review, DEECD Curriculum Specialists recommended development of a curriculum resource which focuses upon Canadian and PEI content, reflects concerns around age-appropriateness and incorporates 21st century pedagogical approaches of critical skills development. The Commission will incorporate these recommendations into future project proposals.

The Commission is grateful to LFPEI for its financial support of these public education endeavors.

Complaint Process

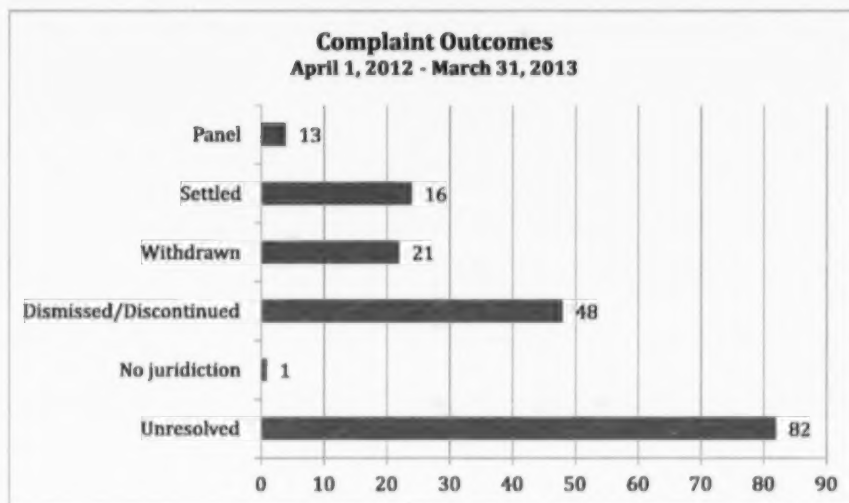


Complaint Statistics

Eighty (80) complaints were carried over from previous years, and One Hundred and One (101) complaints were received in 2012-2013. There were a total of One Hundred Eighty One (181) open files during this fiscal year. In addition to written complaints, the Commission received approximately 2,000 phone inquiries from individuals and organizations concerned about their rights.

NUMBER OF COMPLAINTS IN AREA AND GROUND							
Ground of Discrimination	Carried over from previous years			Received in 2012-2013			Total
	Employment	Services	Other or multiple areas	Employment	Services	Other or multiple areas	
Age	13			10			23
Association							
Colour, Race, Ethnic/National Origin	4	2	1	2	1		10
Creed/Religion				3	1		4
Criminal Conviction	1			3			4
Family Status		1			1		2
Marital Status							
Disability	13	9		14	7	1	44
Political Belief	3			2			5
Sex/Gender (including Pregnancy and Harassment)	7	1		18			26
Sexual Orientation	1				1		2
Source of Income		2		2			4
Filing a Complaint/Giving Evidence				1			1
Multiple Grounds	12	10		24	6	4	56
Total Number of Complaints	54	25	1	79	17	5	181

Most complaints arise in the area of employment, while the most common ground of discrimination is disability, although there was an increase in both age and gender-related complaints in 2012-13.



Panel: Of the nine (9) complaints (*Bingley et al v Eastern School Board and MacQueen v Seafood Processors Association*) referred to Panel in the previous fiscal year, eight (8) complaints settled and one (1) was withdrawn prior to panel hearing.

During the 2012-2013 fiscal year, four (4) complaints were referred to Panel hearing. Of these, two (2) Panel hearings were held and decisions were rendered (*Ayangma v Canada Health Infoway* and *Chaudhuri v College of Physicians and Surgeons*), and two (2) complaints were awaiting Panel hearing scheduling (*Nilsson v UPEI* and *Pate v Legislative Press Gallery*).

Settled: Sixteen (16) complaints were settled.

Withdrawn: Twenty one (21) complaints were withdrawn by the Complainant or were considered withdrawn as the complaint was deemed abandoned.

Dismissed: Forty eight (48) complaints were dismissed or discontinued by the Executive Director as set out in the Act (section 22(4)). Sixteen (16) Complainants requested a review by the Chair: fourteen (14) decisions were rendered and two (2) complaints were awaiting the decision of the Chair.

No Jurisdiction: One (1) complaint was deemed outside the jurisdiction of the Prince Edward Island Human Rights Commission.

Unresolved: Eighty two (82) complaints in various stages of the complaint process (investigation, settlement negotiations, held in abeyance...) were carried over to the next fiscal year, 2013-2014.

Settlements

Mediation and settlement services are an integral component of the Commission's work. It is less costly and more effective for parties involved in human rights complaints to develop their own solutions through settlement discussion. Settlement between Complainants and Respondents may occur at any time during the human rights process. Settlements may be achieved through mediation or through negotiations. Some settlements are also achieved through negotiations between parties that are facilitated by Commission staff. Consistent with the Commission's mandate of providing human rights education, settlements often include an educational component for one or both parties to the complaint. The following summaries are examples of some of the complaints that were settled during 2012-2013.

Services - Disability and Age

A complaint was filed in the area of services on the basis of age and disability. The program restricted funding for those with disabilities over the age of sixty-five. The service provider had a policy outlining the limitations of participation and eligibility for assistance on the basis of age. Both parties agreed that amendments needed to be made to the current policy to allow full participation without discrimination.

The Respondent agreed to make the necessary changes to bring the policy into compliance with the ***Human Rights Act***, while the Complainant acknowledged that such amendments would take time to implement.

Services - Disability

An individual complained of discrimination on the basis of disability after being terminated from a rehabilitation program due to suspected drug use. As a result of being discharged from this program, the Complainant's participation in other social programs was jeopardized. Following investigation, it was determined that the allegations of drug use were unsubstantiated.

The Respondent provided financial compensation to the Complainant.

Employment - Age

After working seasonally for several years for the same employer, an employee who was in his seventies was not hired back to work for the 2011-2012 season. The employer claimed they were unable to rehire the Complainant due to financial constraints. The Complainant had always received positive evaluations, and alleged the termination was due to his age.

The Respondent rehired the Complainant.

Employment - Religion

An individual practicing the Islamic faith filed a complaint in the area of employment on the ground of religion after the employee arrived at his job in the food service industry with a beard and claimed that the beard was part of his religious beliefs.

The employer reminded the employee of the work contract he had signed which stated that facial hair is not permitted due to health and safety concerns. Employers have the duty to accommodate the religious beliefs of their employees to the point of undue hardship as long as the accommodation being requested is reasonable and does not conflict with a bona fide occupational requirement.

The Respondent compensated the Complainant for wage loss and general damages and also provided the Complainant with a letter of apology and letter of reference.

Employment - Sex

A woman filed a complaint against her employer after she learned that her male coworker was receiving a higher rate of pay than she was, despite the fact they held the same job title and he was hired after she was.

Section 7 of the **Human Rights Act** prohibits discrimination in pay in a situation where employees carry out essentially the same work and hold the same position. The onus is on the employer to ensure that all employees are treated fairly and that the workplace is free of discrimination.

The Respondent compensated the Complainant for the difference in pay, and also provided her with a letter of reference.

Panel Hearing and Court Decisions

Decisions of the Human Rights Panel and Court decisions are posted on the Commission web site at <http://www.peihumanrights.ca> (Some of these decisions were made after the end of the fiscal year but prior to the printing of this Report)

Nilsson, Wills and Fell v University of Prince Edward Island (2010 PEI HRC)

The Panel gave a decision dated February 18, 2010, that the mandatory retirement of the Complainants at age 65 constituted discrimination and that the University of Prince Edward Island failed to establish that the age discrimination was justified by the exceptions under Sections 6(4)(a), 11 and 14(1)(d) of the **Human Rights Act**. The Panel further found that the University was solely liable for the damages suffered by the Complainants. On March 16, 2010, the University filed an application for Judicial Review of the Panel's decision.

On Judicial Review, the Court upheld the Panel order but remitted the issue of mitigation back to the Panel for reconsideration (*UPEI v Thomson & Ors.*, 2011 PESC 05 and *UPEI v Thomson & Ors.*, 2012 PESC 7).

The parties entered into settlement discussions. Professor Wills and Ms. Fell accepted settlement offers. Professor Nilsson rejected the offer of settlement and the matter was heard by the Panel on May 15 and 17, 2013, and a decision was rendered on June 25, 2013.

The Panel found that Professor Nilsson partially mitigated his damages; however, he did not take all reasonable steps to avoid unreasonable accumulation of lost income. The Panel ordered that the award be reduced by 10% and that the University pay prejudgment interest on the loss of income award accruing from the Complainant's date of termination to the date of this judgment, and post-judgment interest on the award until paid.

Bartmann, O'Rourke and Collins v University of Prince Edward Island (2011 PEI HRC)

Professors Barry Bartmann, Robert O'Rourke and Ronald Collins filed complaints alleging that the University of Prince Edward Island discriminated against them in employment on the basis of age when they were mandatorily retired at age 65.

This matter was referred to Panel on August 10, 2010. The Panel hearing was held on June 6 and 7, 2011. As the matter of liability had already been established in the matter of *Nilsson et al v University of Prince Edward Island*, the Panel conducted a hearing into the issue of damages only for Professors Bartmann, O'Rourke and Collins.

In its decision dated September 1, 2011, the Panel awarded the same recovery as in the Nilsson matter. The University then filed an application for Judicial Review on the issue of damages.

The parties entered into settlement discussions and Professors Bartmann, O'Rourke, and Collins accepted offers of settlement.

Bingley et al v Eastern School Board

Lawrence Bingley, Stephen MacLean, George Bradley, Allen Perry, Wayne MacKinnon, Leonard Mullen, and Carol White are all school bus drivers. They filed complaints alleging that the Eastern School Board discriminated against them in the area of employment on the basis of age when they were forced to retire at age 65.

This matter was referred to Panel on November 17, 2010.

Prior to the hearing, one of the Complainants withdrew their complaint and the remaining Complainants accepted settlement offers, along with two other Complainants who filed complaints after the matter was referred to Panel.

PEI Music and Amusement Operators Association Inc. v Government of Prince Edward Island

On April 16, 2007, the Complainants filed a complaint alleging discrimination in the area of employment on the basis of political belief. On January 23, 2009, the complaint was dismissed by the Executive Director who found the complaint to be outside the one year limitation period for filing a complaint. The Complainants requested a review by the Chairperson of the Commission who, in a subsequent decision, concurred with the decision of the Executive Director.

On May 25, 2009, the Complainants filed an application for Judicial Review. The Judicial Review was held on March 8, 2010. In reasons dated September 21, 2010, the Court found that the decision of the Executive Director was based on an error of law in finding that the limitation period in the ***Human Rights Act*** is not subject to the Discoverability Rule or in failing to determine whether the Discoverability Rule applied; therefore, the applications judge nullified the order of the Executive Director and returned the matter to him for further consideration and determination as to when the one year period began to run, based on when the Complainants knew or ought to have known the material facts on which the claim is based (*PEI Music and Ors. v PEI Gov't and HRC*, 2010 PESC 40).

The Government of Prince Edward Island appealed the Court's decision. The appeal was heard on June 23, 2011. In its decision dated November 24, 2011, the Court of Appeal dismissed the appeal (*P.E.I. Music v. Gov't. P.E.I. & HRC*, 2011 PECA 18). The Court directed the Executive Director of the Commission to consider the matter of whether the complaint was filed within the one-year limitation period.

On October 11, 2012, the Executive Director provided the parties with his decision that the complaint had not been filed within the one year limitation period. The Complainants requested a review of the Executive Director's decision by the Chairperson of the Commission. The Chairperson concurred with the decision of the Executive Director and issued a written decision dated February 8, 2013. The Complainants filed an application for Judicial Review of the Chairperson's decision on March 8, 2013.

The Court is scheduled to hear the matter on November 28, 2013.

Deborah J. Kelly (Hawkes) v Welfare Assistance Appeal Board

On June 5, 2003, Ms. Kelly Hawkes filed a complaint alleging discrimination in the area of services on the basis of source of income. The complaint was subsequently amended to add the ground of marital status. In a separate complaint filed on September 17, 2003, Ms. Kelly Hawkes added the grounds of association, sexual orientation and political belief. The Executive Director dismissed both complaints on August 26, 2004.

Ms. Kelly Hawkes requested that the decisions be reviewed by the Chairperson of the Commission. The Chairperson upheld the decisions of the Executive Director. Ms. Kelly Hawkes then made application for Judicial Review.

Following a motion by Ms. Kelly Hawkes for the separation of the complaints and an appeal of the decision dismissing her motion, the Judicial Review was heard on February 27, 2009. A Court decision dated May 14, 2009, allowed the application for Judicial Review and directed the Chairperson of the Commission to establish a Panel of Inquiry. Ms. Kelly Hawkes appealed the Court's decision.

The appeal was heard on January 19, 2010. The Court of Appeal released its decision, dismissing the appeal, on March 16, 2010.

The Panel hearing took place on October 18 and 19, 2010. On January 17, 2011, the Panel issued a decision dismissing Ms. Kelly Hawkes's Complaint.

Ms. Kelly Hawkes filed an application for Judicial review on February 18, 2011.

The Judicial Review was heard on March 5, 2012. The Court rendered its decision on April 25, 2012, dismissing the application for Judicial Review (*Hawkes v PEI Human Rights Comm. & ano.*, 2012 PESC 15).

Ms. Kelly Hawkes appealed the Supreme Court's decision to dismiss her application for Judicial Review. The Appeal was heard on December 4, 2012. In a decision dated March 13, 2013, the Court of Appeal dismissed Ms. Kelly Hawkes's appeal.

Deborah J. Kelly (Hawkes) v Social Assistance Appeal Board

Ms. Kelly Hawkes filed a complaint on September 20, 2004, alleging discrimination in the area of employment and services on the basis of association, sexual orientation, source of income and political belief. The Executive Director dismissed the complaint on November 7, 2005.

Ms. Kelly Hawkes requested that the decision be reviewed by the Chairperson of the Commission who, in a decision rendered on February 16, 2006, concurred with the decision of the Executive Director. Ms. Kelly Hawkes then filed an application for Judicial Review.

The Court granted the application for Judicial Review in part and awarded costs to Ms. Kelly Hawkes in the amount of Two Hundred Dollars (\$200) and ordered the complaint be sent back to the Commission for investigation.

The Executive Director Delegate dismissed the complaint on October 30, 2008. Ms. Kelly Hawkes requested a review of the decision. Upon review, the Chairperson concurred with the decision of the Executive Director Delegate. Ms. Kelly Hawkes filed an application for Judicial Review and the hearing was held on January 13, 2010. The Court dismissed Ms. Kelly Hawkes's application (*Kelly Hawkes v. Social Assistance Board et al.*, 2010 PESC 34).

Ms. Kelly Hawkes appealed the Court's decision to dismiss her application for Judicial Review. The appeal was heard on September 26, 2011. On October 26, 2011, the Chief Justice gave his decision orally, and in an Order dated December 8, 2011, ordered that the Respondent, Department of Social Services and Seniors, pay costs to Ms. Kelly Hawkes in the amount of \$500. The Court of Appeal further ordered that the matter be referred back to the Commission for investigation.

The Executive Director Delegate investigated the matter and, in a written decision dated September 11, 2012, dismissed Ms. Kelly Hawkes's complaint as she found it to be without merit. Ms. Kelly Hawkes asked for a review of the Executive Director Delegate's decision by the Chairperson of the Commission. On 25 January 2013, the Chairperson Delegate issued a written decision in which he concurred with the decision of the Executive Director Delegate to dismiss Ms. Kelly Hawkes's complaint.

On February 25, 2013, Ms. Kelly Hawkes made application for Judicial Review of the Chairperson Delegate's decision. The Judicial Review was heard on September 30, 2013. The parties are awaiting the decision of the Supreme Court.

Linda Toole v East Prince Health

On October 4, 2006, Linda Toole filed a complaint alleging discrimination in the area of employment on the basis of sex/gender. On February 4, 2009, the complaint was dismissed by the Executive Director who found there was insufficient evidence of discrimination to warrant sending the matter to a panel hearing. Ms. Toole requested a reconsideration by the Chairperson of the Commission who, in a subsequent decision, concurred with the decision of the Executive Director.

On June 8, 2009, Ms. Toole filed an application for Judicial Review. The matter has not yet been scheduled by the Court.

Gordon Cairns v Eastern School Board

On March 7, 2007, Gordon Cairns filed a complaint alleging discrimination in employment on the basis of disability. The Executive Director dismissed the complaint on August 25, 2011, as he found it to be without merit.

Mr. Cairns requested a review by the Chairperson of the Commission. The Chairperson Delegate concurred with the decision of the Executive Director.

On March 13, 2012, Mr. Cairns filed an application for Judicial Review. The Judicial Review hearing has not yet been scheduled.

David Dodds v Legal Aid

On March 4, 2008, David Dodds filed a complaint alleging discrimination in the area of services and facilities available to the public on the basis of colour, race, ethnic or national origin, creed or religion, disability, sex or gender, and source of income. On June 11, 2009, the complaint was dismissed by the Executive Director who found the complaint to be outside the one year limitation period for filing a complaint.

Mr. Dodds requested a review by the Chairperson of the Commission. The Chairperson Delegate concurred with the Executive Director's decision.

On September 23, 2009, Mr. Dodds filed an application for Judicial Review. The hearing on the Judicial Review application has not yet been scheduled.

Howard MacMaster v Worker's Compensation Board

On February 16, 2011, Howard MacMaster filed a complaint alleging discrimination in employment on the basis of source of income. On January 20, 2012, the Executive Director dismissed the complaint because he found it to be without merit, pursuant to section 22(4)(a) of the **Act**.

Mr. MacMaster requested a review by the Chairperson of the Commission, who concurred with the decision of the Executive Director.

On March 29, 2012, Mr. MacMaster filed an application for Judicial Review. The hearing has not yet been scheduled.

David Dodds v Peter C. Ghiz Law Corporation

On July 7, 2011, David Dodds filed a complaint alleging discrimination in the area of services and facilities available to the public based on numerous grounds of discrimination. Mr. Dodds alleged that Mr. Ghiz, who had been representing him in a civil matter, withdrew as solicitor of record for discriminatory reasons. On December 30, 2011, the Executive Director dismissed the complaint as he found it to be without merit. The Executive Director determined that the withdrawal was based on a serious breakdown in communication in the solicitor-client relationship between Mr. Dodds and Mr. Ghiz, and that Mr. Dodds had not established a *prima facie* case of discrimination.

Mr. Dodds requested a review by the Chairperson of the Commission of the Executive Director's decision. On April 26, 2012, the Chairperson Delegate of the Commission issued a written decision in which she concurred with the decision of the Executive Director to dismiss the complaint. Mr. Dodds filed an application for Judicial Review of the Chairperson Delegate's decision on May 28, 2012.

On September 19, 2013, Mr. Ghiz made a Motion to strike or stay Mr. Dodds' application for Judicial Review. The Motion was heard on October 16, 2013. Mr. Dodds was served with a copy of the Motion Record, but he did not attend at the hearing of the Motion.

After hearing from the parties who were present at the hearing, Mr. Justice Benjamin B. Taylor gave an oral decision staying the Judicial Review.

***Barbara Jean (Jeannie) MacDonald v Government of Prince Edward Island
(Transportation and Infrastructure Renewal)***

On February 9, 2010, Barbara Jean (Jeannie) MacDonald filed a complaint alleging discrimination in the area of employment on the grounds of disability and age. The Executive Director dismissed the complaint on October 14, 2011, as he found it to be without merit.

Ms. MacDonald requested a review of the Executive Director's decision by the Chairperson of the Commission. On April 17, 2012, the Chairperson of the Commission issued a decision that concurred with the Executive Director's decision to dismiss the complaint.

Ms. MacDonald filed an application for Judicial Review of the Chairperson's decision on June 15, 2012. The Judicial Review has not yet been scheduled by the Court.

David Ramsay v City of Charlottetown

David Ramsay filed a complaint on February 16, 2011, alleging discrimination in the area of employment on the basis of political belief. He amended his complaint, adding the ground of disability, on March 7, 2011. In a decision dated March 13, 2012, the Executive Director dismissed the complaint as he found it to be without merit, pursuant to Section 22(4)(a) of the **Act**.

Mr. Ramsay requested a review by the Chairperson of the Commission of the Executive Director's decision. On June 27, 2012, the Chairperson issued a decision concurring with the Executive Director's decision to dismiss the complaint.

Mr. Ramsay filed an application for Judicial Review on July 27, 2012. In his application for Judicial Review, he did not name the City of Charlottetown as a party. The City of Charlottetown is a proper party to this proceeding, and agreed to be added as a party by consent. On July 26, 2013, Mr. Justice Wayne D. Cheverie granted the Commission's Motion to add the City as a party to the proceeding.

A date for the Judicial Review hearing has not yet been set.

Noel Ayangma v Canada Health Infoway

Noel Ayangma filed a complaint alleging discrimination in the area of employment on the basis of colour, race, ethnic and national origin. He alleged that the Respondent, Canada Health Infoway, did not hire him for a position for which he was qualified because he is Black and of African origin. A Panel hearing was held on April 2, 3, and 4, 2012. The Panel issued a written decision on July 28, 2012, dismissing Mr. Ayangma's complaint and finding that the Respondent had not acted in a discriminatory manner toward him.

Mr. Ayangma sought Judicial Review of the Panel's decision and filed an application with the Supreme Court of Prince Edward Island on August 28, 2012. The Judicial Review was heard on February 20, 2013. The Court issued its decision on April 26, 2013, dismissing the application for Judicial Review.

Mr. Ayangma appealed the decision of the Supreme Court on May 29, 2013. The Court of Appeal has not yet scheduled a date to hear the appeal.

David MacDonald v Workers Compensation Board

On February 24, 2012, David MacDonald filed a complaint alleging discrimination in the area of employment on the basis of disability. The Executive Director dismissed the complaint on June 7, 2012, pursuant to Section 22(4)(a) of the **Act**, as he found it to be without merit.

Mr. MacDonald requested that the Chairperson of the Commission review the Executive Director's decision. The Chairperson concurred with the Executive Director's decision to dismiss the complaint, and notified the parties in a written decision dated August 28, 2012.

Mr. MacDonald filed an application for Judicial Review on September 26, 2012. The Judicial Review was heard on September 9, 2013.

The Court has not yet issued a decision.

Noel Ayangma v Public Service Alliance of Canada

Noel Ayangma filed a complaint on June 15, 2006, alleging discrimination in the area of employment on the basis of colour, race, ethnic and national origin. He alleged that the Respondent refused to hire him for a number of positions for which he was qualified based on the fact that he is Black and of African origin. He alleged both direct and systemic discrimination.

A question arose as to whether the Commission had jurisdiction to deal with Mr. Ayangma's complaint. The complaint was held in abeyance by the Commission pending the resolution of a similar question of jurisdiction in a similar case before the Supreme Court of Prince Edward Island. These questions were resolved in the decision of Mr. Justice Benjamin B. Taylor, in *Ayangma v Infoway*, in which Mr. Justice Taylor determined that Mr. Ayangma's complaint was substantially connected to Prince Edward Island and that the Commission in fact had jurisdiction to handle the matter.

On July 6, 2012, the Executive Director of the Commission dismissed the complaint pursuant to Section 22(4)(a) of the **Act**, as he found it to be without merit.

On July 24, 2012, Mr. Ayangma requested a review by the Chairperson of the Commission. The Chairperson of the Commission concurred with the Executive Director's decision to dismiss, and issued a written decision on January 16, 2013.

Mr. Ayangma filed an application for Judicial Review on January 25, 2013. The matter was heard by the Supreme Court on November 15, 2013. Justice Gordon L. Campbell rendered a decision on November 18, 2013, dismissing the Application for Judicial Review.

Commissioners

Human Rights Commissioners are appointed by the Legislative Assembly on the recommendation of the Standing Committee on Health, Social Development and Seniors. They come from a variety of personal and professional backgrounds. Each brings experience and human rights expertise to decision-making, and provides leadership in setting the direction and promoting the work of the Commission.

John Rogers, Commissioner



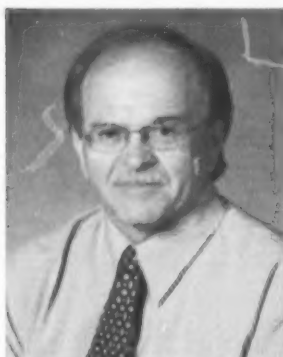
John Rogers of the Brae, Prince Edward Island, was appointed to the Commission in 2008. Mr. Rogers holds a B.A. and B.Ed. from the University of Prince Edward Island and a M.Ed. from the University of Ottawa. He retired from the public school system in 2005 after serving as a teacher, vice-principal, and principal. Since retiring from the public school system Mr. Rogers has been employed as a sessional lecturer on the Faculty of Education at UPEI. He also devotes time to the family farm in Brae. Mr. Rogers has served on numerous organizations both at the local and provincial levels. He is currently a director of the Canadian Potato Museum in O'Leary and sits as vice-chair of the Leard's Pond Environment Project. Mr. Rogers is strongly committed to the fundamental principle that "all persons are equal in dignity and human rights" (Preamble, PEI **Human Rights Act**). He works towards the fair and equal treatment of all persons in our society.

George A. Lyle, Commissioner



George Lyle of Summerside was appointed Commissioner on April 16, 2009, and reappointed on April 17, 2012, for a second three year term. Mr. Lyle has been practicing law as a general practitioner since October 1978 in the Province of Prince Edward Island and prior to that held various positions with the Guaranty Trust Company of Canada. He is a graduate of the University of Ottawa Law School and a certificate program in Trust Business from Queens University. During his private practice of law in the Province of Prince Edward Island he held the position of Chairperson of the PEI Labour Relations Board and was President of the Law Society of Prince Edward Island and the PEI branch of the Canadian Bar Association. Mr. Lyle has served on various boards and has a strong community involvement in the City of Summerside. He is married and has four children.

Alcide Bernard, Commissioner



Alcide Bernard of Wellington was appointed Commissioner in April 2011 for a three year term. Mr. Bernard holds a B.A. and M.B.A. from University of Moncton. He retired from Old Dutch Foods Inc in March 2011 after having served in various management positions throughout his 25 years in the potato chipping industry. Mr. Bernard is presently employed with the Atlantic Commission on Acadian Tourism as Tourism Development Officer for PEI. He has served as Chairman of the Incorporated Community of Wellington as well as having been involved in many other volunteer organizations in the Acadian community of Prince Edward Island.

Maurice H. J. Rio, Commissioner



Maurice Rio was appointed Commissioner for a term of three years on April 17, 2012. This is Mr. Rio's second appointment having served on the Commission from 2006 to 2009. Mr. Rio returned to the Island after 22 years of public service with the Federal Department of the Solicitor General involved in national issues. He has studied at Dalhousie University, Memorial University and the University of Regina. Mr. Rio currently resides in the City of Summerside. He is a proponent of "natural justice" and is pleased to return to the Commission to continue his work for human rights.

Robert A. Acorn, Commissioner



Robert Acorn, born and raised in Souris, P.E.I., was appointed Commissioner for a three-year term on April 17, 2012. He holds a degree in Political Science from Dalhousie University and a degree in Public Administration from the University of Prince Edward Island. He has worked with P.E.I. Housing Corporation, the University of Alberta, the Alberta Government, and most recently he was a management consultant with George May International in Edmonton. Mr. Acorn presently resides in Charlottetown with his wife Thelma (Walsh) Acorn. He has two children, Kim and Rick.

Lou Ann Thomson, Commissioner (Retired)



Lou Ann Thomson of Georgetown was appointed to the Commission on April 11, 2006, and her third term was to expire on April 18, 2014. Ms. Thomson retired from the Commission in August 2013. We thank her for her excellent contribution to the Commission and her dedication to human rights.

Staff

Brenda Picard, Executive Director



Brenda Picard Q.C. was raised primarily in Kensington and now resides in Mount Stewart, P.E.I. with her son, Micah. She attended Dalhousie University where she received her Bachelor of Arts degree in 1982 and her Bachelor of Laws degree in 1985. After practicing in N.S., Brenda returned to P.E.I. as Co-ordinator of Transition and Support Services in Summerside. She later practiced law with the firm Craig and Picard and then with P.E.I. Legal Aid. She has volunteered with many provincial and national organizations relating to family violence prevention, restorative justice and conflict resolution as well as with her church community. She received the inaugural Community Service Award from the P.E.I. Law Society in 2007 and later that year Brenda was appointed Queens Counsel. She commenced her position as Executive Director in August 2013.

Wendy M. Baker, Human Rights Office



Wendy Marie Baker was born in Halifax and grew up in the village of Spanish Ship Bay, Nova Scotia. She has lived and worked in several places across Canada, but has been proud to call Charlottetown her home since 2008. Wendy joined the Commission as Human Rights Officer in September 2010. She is a person with a disability. She has been a lifelong advocate for equity and equality, and supports the concept of promoting equality through education.

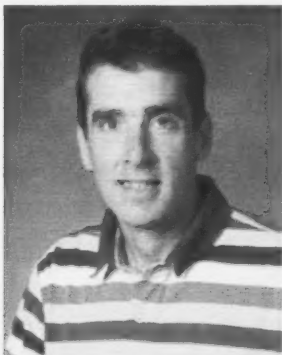
Wendy received her Bachelor of Arts degree from Saint Mary's University in 1997 and a Diploma in Media Studies (Broadcasting) from the Atlantic Media Institute in 1999. She worked with the Canadian National Institute for the Blind for several years before returning to university. She received her law degree from the University of Victoria in 2006. Wendy has held legal positions in both the public and private sector, and is a member of both the Law Society of Newfoundland and Labrador and the Law Society of Prince Edward Island.

B. Lorraine Buell, Administrative/Intake Officer and Mediator



Lorraine Buell is the Commission's Administrative/Intake Officer and Mediator. She has been a member of the Commission's team since 1998. She is an Islander and a resident of Stratford, PEI. Lorraine is a current member of the Canadian Payroll Association and past member of the Council of Canadian Administrative Tribunals and International Association of Administrative Professionals. She is a Commissioner of Oaths and Panel Clerk at human rights hearings. Lorraine received her Business Administration at Career Skills, Executive Office Administration at Holland College and Conflict Resolution Studies at the University of Prince Edward Island.

Thomas Hilton, Project Coordinator



A native Islander, Thomas Hilton earned a BA from Bowdoin College (Brunswick, ME) and is now preparing to defend his Master of Education thesis at UPEI. Thanks to project funding from the Law Foundation of PEI, Tom has worked periodically at the Commission since June 2011. Over this period, Tom solidified linkages between the Commission and PEI's Department of Education and Early Childhood Development and PEI Teachers Federation to advance the education of students on human rights.

Gregory J. Howard, Past Executive Director



Gregory Howard was Executive Director of the Commission since 1999, except from 2007-2009 when he took a leave of absence to work in the Office of the Attorney General in Bermuda. He resigned from the Commission in June 2013 to accept another position in Bermuda.

Thank you Greg for your years of service to Prince Edward Islanders.

Audited Financial Statements

AUDITOR GENERAL

**CHARLOTTETOWN
PRINCE EDWARD ISLAND**

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION**

FINANCIAL STATEMENTS

MARCH 31, 2013

Management's Report

Management's Responsibility for the Financial Statements

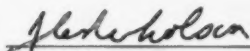
The financial statements have been prepared by management in accordance with Canadian accounting standards for the public sector and the integrity and objectivity of these statements are management's responsibility. Management is responsible for the notes to the financial statements and for ensuring that this information is consistent, where appropriate, with the information contained in the financial statements.

Management is responsible for implementing and maintaining a system of internal control to provide reasonable assurance that reliable financial information is produced.

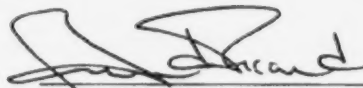
The Board of Commissioners are responsible for ensuring that management fulfills its responsibilities for financial reporting and internal control. The Commissioners review internal financial reports on a regular basis and externally audited financial statements annually.

The Auditor General conducts an independent examination, in accordance with Canadian generally accepted auditing standards and expresses her opinion on the financial statements. The Auditor General has full and free access to financial information and management of the Prince Edward Island Human Rights Commission to meet as required.

On behalf of the Prince Edward Island Human Rights Commission



Anne Nicholson
Board Chair



Brenda J. Picard, QC
Executive Director

September 11, 2013

AUDITOR GENERAL

CHARLOTTETOWN
PRINCE EDWARD ISLAND

INDEPENDENT AUDITOR'S REPORT

To the Commissioners of the
Prince Edward Island Human Rights Commission

I have audited the financial statements of the **Prince Edward Island Human Rights Commission**, which comprise the statement of financial position as at March 31, 2013, and the statements of operations and accumulated deficit, changes in net debt, and cash flow for the year then ended and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for the public sector and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

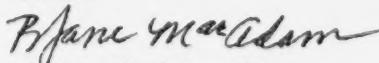
My responsibility is to express an opinion on these financial statements based on my audit. I conducted the audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall financial statement presentation.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 2013, and the results of its operations, changes in net debt, and cash flow for the year then ended in accordance with Canadian accounting standards for the public sector.



B. Jane MacAdam, CA
Auditor General

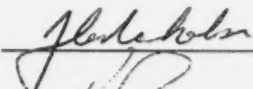
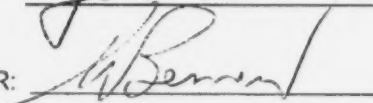
Charlottetown, Prince Edward Island
September 11, 2013

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
STATEMENT OF FINANCIAL POSITION
AS AT MARCH 31, 2013

	<u>2013</u> \$	<u>2012</u> \$
Financial Assets		
Cash	9,897	8,240
Accounts receivable	<u>430</u>	<u>210</u>
	<u>10,327</u>	<u>8,450</u>
Liabilities		
Accounts payable and accrued liabilities (Note 3)	<u>29,846</u>	<u>40,508</u>
Net Debt	<u>19,519</u>	<u>32,058</u>
Non-Financial Assets		
Prepaid expenses	<u>3,666</u>	<u>1,921</u>
Accumulated Deficit	<u>15,853</u>	<u>30,137</u>

(The accompanying notes are an integral part of these financial statements.)

APPROVED ON BEHALF OF THE HUMAN RIGHTS COMMISSION:

BOARD CHAIR: 
COMMISSIONER: 

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
STATEMENT OF OPERATIONS AND ACCUMULATED DEFICIT
FOR THE YEAR ENDED MARCH 31, 2013

	Budget 2013 \$	2013 \$	2012 \$
Revenues			
Grants - Province of Prince Edward Island	398,132	398,500	399,075
Other grants	-	16,250	9,000
Other	-	-	178
	<u>398,132</u>	<u>414,750</u>	<u>408,253</u>
Expenses			
Commissioner per diems (Note 6)	43,000	32,191	34,722
Conferences and training	8,000	4,060	7,271
Equipment	3,000	1,058	407
Hearing expenses	5,000	5,798	19,290
Memberships	2,900	2,915	2,913
Miscellaneous	2,682	2,325	5,340
Office and special projects	10,200	12,256	6,883
Photocopying	5,000	4,026	3,204
Professional fees	5,000	375	23,541
Rent	21,000	21,500	21,025
Salaries and benefits (Note 7)	269,350	294,758	281,217
Travel - staff	6,000	4,858	6,870
- commissioners	12,000	11,040	14,025
Telephone	5,000	3,306	3,419
	<u>398,132</u>	<u>400,466</u>	<u>430,127</u>
Annual Surplus (Deficit)	<u>-</u>	14,284	(21,874)
Accumulated (Deficit), beginning of year		<u>(30,137)</u>	<u>(8,263)</u>
Accumulated (Deficit), end of year		<u>(15,853)</u>	<u>(30,137)</u>

(The accompanying notes are an integral part of these financial statements.)

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
STATEMENT OF CHANGES IN NET DEBT
FOR THE YEAR ENDED MARCH 31, 2013

	Budget 2013 \$	2013 \$	2012 \$
Net Debt, beginning of year	32,058	32,058	10,863
Changes in year:			
Annual (surplus) deficit	-	(14,284)	21,874
Change in prepaid expenses	-	<u>1,745</u>	<u>(679)</u>
Change in Net Debt	-	<u>(12,539)</u>	<u>21,195</u>
Net Debt, end of year	<u>32,058</u>	<u>19,519</u>	<u>32,058</u>

(The accompanying notes are an integral part of these financial statements.)

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
STATEMENT OF CASH FLOW
FOR THE YEAR ENDED MARCH 31, 2013

	<u>2013</u> \$	<u>2012</u> \$
Cash provided (used) by:		
Operating Activities		
Annual surplus (deficit)	14,284	(21,874)
Changes in:		
Accounts receivable	(220)	253
Accounts payable and accrued liabilities	(10,662)	21,471
Prepaid expenses	<u>(1,745)</u>	<u>679</u>
Cash provided (used) by operating activities	<u>(12,627)</u>	<u>22,403</u>
Change in cash	1,657	529
Cash, beginning of year	<u>8,240</u>	<u>7,711</u>
Cash, end of year	<u>9,897</u>	<u>8,240</u>

(The accompanying notes are an integral part of these financial statements.)

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED MARCH 31, 2013**

1. Purpose of the Organization

The Prince Edward Island Human Rights Commission (the Commission) is a corporate body established under section 16 (1) of the *Human Rights Act* of Prince Edward Island. The Commission is responsible for administering and enforcing the *Human Rights Act*, and providing education and public information in the field of human rights. The Commission also inquires into and endeavours to effect a settlement of any complaint of a violation of the *Human Rights Act* filed with the Commission as prescribed by the *Act*.

The Commission is a non-taxable entity under the provisions of the federal *Income Tax Act*.

2. Summary of Significant Accounting Policies

Basis of Accounting

These financial statements are prepared in accordance with Canadian accounting standards for the public sector.

The following accounting policies are considered significant.

a) Prepaid Expenses

Prepaid expenses include memberships and subscriptions and are charged to expense over the periods expected to benefit.

b) Revenues

Revenues are recognized in the period in which the transaction or event that gave rise to the revenue occurred. Revenues are recorded on an accrual basis, except when the accruals cannot be determined with a reasonable degree of certainty or when their estimation is impracticable.

Transfers (revenues from non-exchange transactions) are recognized as revenue when the transfer is authorized, any eligibility criteria are met and reasonable estimates of the amounts can be made.

c) Expenses

Expenses are recorded on an accrual basis in the period in which the transaction or event that gave rise to the expense occurred.

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED MARCH 31, 2013**

2. Summary of Significant Accounting Policies (continued...)

d) Financial Instruments

Financial instruments consist of accounts receivable, accounts payable and accrued liabilities. They are carried at cost or amortized cost, less any provisions on accounts receivable. Since the Commission has no unrealized remeasurement gains or losses attributed to foreign exchange, derivatives, portfolio investments, or other financial instruments, a statement of remeasurement gains and losses is not prepared.

e) Use of Estimates and Measurement Uncertainty

The preparation of financial statements in conformity with Canadian accounting standards for the public sector requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of the revenues and expenses during the period. Items requiring the use of significant estimates include accrued liabilities.

Estimates are based on the best information available at the time of preparation of the financial statements and are reviewed annually to reflect new information as it becomes available. Measurement uncertainty exists in these financial statements. Actual results could differ from these estimates and the difference could be material.

3. Accounts Payable and Accrued Liabilities

	<u>2013</u>	<u>2012</u>
	\$	\$
Accounts payable	12,617	4,801
Accrued salaries and benefits	<u>17,229</u>	<u>35,707</u>
	<u>29,846</u>	<u>40,508</u>

4. Related Party Transactions

The Commission had the following transaction with the Province of Prince Edward Island:

	<u>2013</u>	<u>2012</u>
	\$	\$
Grants from the Province	<u>398,500</u>	<u>399,075</u>

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED MARCH 31, 2013**

5. Contractual Obligations

The Commission has entered into a number of multi-year contracts which will become liabilities in the future when the terms of the contracts are met. Disclosure relates to the unperformed portion of the contracts.

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Future operating lease payments	<u>24,032</u>	<u>24,032</u>	<u>24,032</u>	<u>7,274</u>	<u>Nil</u>

6. Commissioner Per Diems

Commissioner per diems include panels of inquiry, meetings, educational presentations, training and seminars, and other Commission business.

7. Employee Benefits

a) Sick Leave

All employees are credited 1.5 days per month for use as paid absences in the year, due to illness or injury. Under existing employment agreements, employees are allowed to accumulate unused sick day credits each year up to the allowable maximum. Accumulated credits may be used in future years to the extent that the employee's illness or injury exceeds the current year's allocation. The use of accumulated sick days for sick-leave compensation ceases on termination of employment and there is no obligation to settle these amounts with cash payments. A liability has not been calculated and no accrual has been recorded in these financial statements based on an analysis which indicated the liability was not significant.

b) Pension Benefits

Employees of the Commission participate in a defined contribution pension plan. The Commission makes contributions amounting to 7.09 percent on that part of the salary on which Canada Pension Plan contributions are made and 9.75 percent on salary when Canada Pension Plan contributions are not required. The employee is not required to match or contribute to the plan. These contributions are paid to a Registered Retirement Savings Plan (RRSP) or Registered Disability Savings Plan (RDSP) as selected by the employee.

During the year, the Commission incurred \$18,572 (2012 - \$16,122) in expenses for contributions to these plans.

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED MARCH 31, 2013**

7. Employee Benefits (continued...)

c) Retirement Allowance

The Commission provides a retirement allowance to its permanent employees. The amount paid to eligible employees at retirement is based on the number of years of service and the rate of pay in effect at the retirement date. The benefit costs and liabilities related to the allowance are not included in these financial statements.

8. Financial Management

The Commission's risk exposure, as a result of the financial instruments on its statement of financial position at March 31, 2013, is limited to liquidity risk. The Commission's financial instruments are not subject to significant market risk or credit risk.

Liquidity Risk

Liquidity risk is the risk that the Commission will not be able to meet all its cash outflow obligations as they come due. This risk is mitigated by monitoring the level of financial assets in relation to amounts due and implementing fiscal restraint when necessary.

9. Budgeted Figures

Budgeted figures have been provided for comparative purposes and were derived from estimates approved by the Commission.

Prince Edward Island Human Rights Commission

The Prince Edward Island Human Rights Commission is an independent body that investigates, attempts to settle and makes rulings on complaints of discrimination that fall under the Prince Edward Island **Human Rights Act**

For more information, please contact us

In Person:

53 Water Street
Charlottetown PE C1A 1A3

By Mail:

Prince Edward Island Human Rights Commission
PO Box 2000
Charlottetown PE C1A 7N8

By Phone:

(902)368-4180 or
1-800-237-5031
(toll-free within Prince Edward Island)

By Fax:

(902)368-4236

By Email:

lbuell@peihumanrights.ca

or visit our website:

www.peihumanrights.ca

"It is recognized in Prince Edward Island as a fundamental principle that all persons are equal in dignity and human rights without regard to age, colour, creed, ethnic or national origin, family status, marital status, disability, political belief, race, religion, sex, sexual orientation or source of income." (preamble to the PEI Human Rights Act)